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HONORABLE SALVADOR  
MENDOZA JR.

[Additional counsel identified on  
signature page]

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
SPOKANE DIVISION**

ALEX MCVICKER and MARK  
MOSS, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

GIGA WATT, INC.; GIGAWATT  
PTE, LTD; CRYPTONOMOS PTE,  
LTD; and DAVE CARLSON;  
LEONID MARKIN; and EDWARD  
KHAPTAKHAEV, a foreign  
corporation,

Defendants

RAYMOND BALESTRA,  
individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

GIGA WATT, INC., ET AL.,

Defendants.

No. 2:18-cv-00103-SMJ

(Consolidated with  
No. 2:18-cv-00100)

STIPULATION TO EXTEND  
BRIEFING SCHEDULE RE MOTION  
TO DISMISS (Dkt. # 27)

AND [PROPOSED] ORDER

Note for Motion Calendar:  
1/2/2019

Note for Motion Calendar if Motion to  
Expedite Granted:  
12/10/2018

STIPULATION AND ORDER- 1  
(No. 2:18-cv-00103-SMJ)

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**I. STIPULATION**

Plaintiffs Raymond Balestra, Alex McVicker, and Mark Moss (“Plaintiffs”) and Defendants Giga Watt, Inc., Dave Carlson, Leonid Markin, and Edward Khaptakhaev (the “Moving Defendants”), by and through their undersigned counsel of record, hereby stipulate and agree as follows:

1. A Motion to Dismiss Under Rule 12(b)(6) (Dkt. #27) was filed by the Moving Defendants’ counsel on Wednesday, November 21, 2018. A response to the Motion to Dismiss is due on Wednesday, December 12, 2018. A reply to the response to the Motion to Dismiss is due Wednesday, December 26, 2018.

2. Counsel for Plaintiffs and the Moving Defendants have conferred and agreed to a thirty (30) day extension as to the hearing date and to file responsive papers and the reply as follows:

- a. Plaintiffs’ response brief would be due Friday, January 11, 2019;
- b. The Moving Defendants’ reply would be due Friday, January 25, 2019; and
- c. The Motion to Dismiss would be noted for hearing on February 12, 2019.
- d. The Motion to Dismiss was filed without a request for oral argument.

1           3.     Plaintiffs agree not to take any action as to any Defendant in the  
2 intervening time period.

3           So stipulated and agreed to on December 3, 2018.

4  
5                           By: /s/ Roger M. Townsend  
6                           Roger M. Townsend, WSBA #25525  
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12                          *Attorney for Plaintiffs*

13  
14                          By: /s/ Marc Rosenberg  
15                          Marc Rosenberg, WSBA #31034  
16                          LEE SMART, P.S., INC.  
17                          701 Pike Street, Suite 1800  
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*Attorneys for Defendants Giga Watt, Inc., Dave  
Carlson, Leonid Markin, and Edwrd Khaptakhaev*

**II. [PROPOSED] ORDER**

This matter is before the Court on the parties' STIPULATION TO  
EXTEND TIME TO RESPOND TO MOTION TO DISMISS AND REPLY TO  
RESPONSE TO MOTION TO DISMISS. The Court, having considered the  
Stipulation, orders as follows:

1. Plaintiffs' response brief is due on or before Friday, January 11, 2019.
2. The Moving Defendants' reply is due on or before Friday, January 25, 2019.
3. The Motion to Dismiss will be noted for hearing on February 12, 2019.
4. Plaintiffs shall not take any action as to any Defendant during this time period.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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UNITED STATES DISTRICT JUDGE  
HONORABLE SALVADOR MENDOZA JR

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this date I filed the foregoing document with the Clerk of the Court using the court's ECF filing system which will automatically serve the filing on registered ECF users:

Marc Rosenberg  
LEE SMART, P.S., INC.  
1800 One Convention Place  
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Attorneys for Defendants

DATED December 3, 2018, at Seattle, Washington.

s/Leslie Boston  
Leslie Boston, Legal Assistant